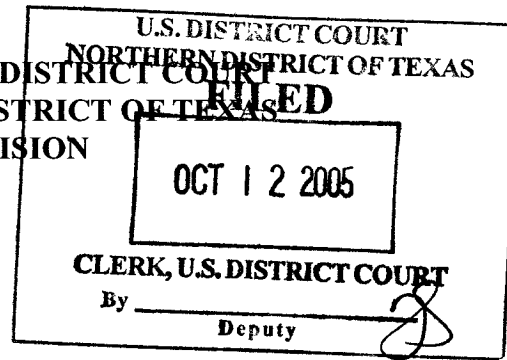


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



ESAU LAMPKIN

*Petitioner,*

v.

DOUGLAS DRETKE, Director  
Texas Department of Criminal Justice  
Correctional Institutions Division.

*Respondent.*

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Civil Action No. 3:05-cv-1629-R

**ORDER**

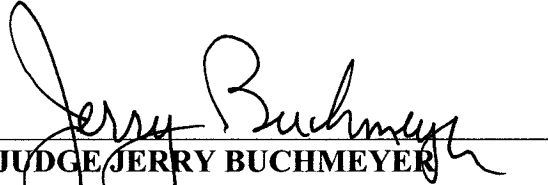
On August 25, 2005, United States Magistrate Judge Irma Carrillo Ramirez, filed Findings, Conclusions and a Recommendation in this case dismissing Petitioner's claims for relief under 28 U.S.C. §2254 as moot since he is no longer in custody. Petitioner filed Objections to the Magistrate Judge's Findings, Conclusions and Recommendation on September 6, 2005. After reviewing Judge Ramirez's Findings, Conclusions, and Recommendation pursuant to 28 U.S.C. §636(b) in light of Petitioner's Objections, the Court concludes that Judge Ramirez's decision with respect to his claim for relief under 28 U.S.C. §2254 are correct and are hereby **ADOPTED** as the findings of this Court.

The Court notes that Petitioner may have attempted to raise civil rights claims under 42 U.S.C. §1983 for wrongful confinement and denial of procedural due process in his petition for a writ of habeas corpus. *See* Petition, at 7; Memorandum of Law in Support of Petition, at 1-5; Document entitled "Motion" (filed with Petition), at 1. Those claims were not addressed in the Magistrate Judge's Findings, Conclusions and a Recommendation. To the extent Petitioner has raised those civil rights claims in his petition, those claims are improperly filed in a petition for relief

under 28 U.S.C. §2254 and will be dismissed without prejudice in a separate order of this Court.

It is so **ORDERED**.

**SIGNED:** October 12 2005.

  
JUDGE JERRY BUCHMEYER  
SENIOR U.S. DISTRICT JUDGE  
NORTHERN DISTRICT OF TEXAS